USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: DEC 27 2012

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - - - - - - - - - - - - - - x

UNITED STATES OF AMERICA

- v. -

ERIC PROKOPI,

Defendant.

- - - - - - - - - - - - - - - - - - x

INFORMATION

12 Cr. 12 CRIM 981

COUNT ONE

The United States Attorney charges:

1. In or around 2010, in the Southern District of New York and elsewhere, ERIC PROKOPI, the defendant, and others known and unknown, willfully and knowingly did conspire, combine, confederate and agree together and with others to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 545.

2. It was a part and an object of the conspiracy that ERIC PROKOPI, the defendant, and others known and unknown, would and did willfully and knowingly and with intent to defraud the United States, smuggle and clandestinely introduce, and attempt to smuggle and clandestinely introduce into the United States merchandise which should have been invoiced, and make out and pass, and attempt to pass, through the customhouse a false, forged and fraudulent invoice, and other document and paper.

Judge Hellerstein

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. In 2010, ERIC PROKOPI, the defendant, sent an e-mail to an individual in China containing instructions as to how to mislabel a customs form.

(Title 18, United States Code, Section 371.)

COUNT TWO

The United States Attorney further charges:

5. Between September 2010 and March 2012, in the Southern District of New York and elsewhere, ERIC PROKOPI, the defendant, knowingly and willfully entered and introduced, and attempted to enter and introduce, into the commerce of the United States, imported merchandise by means of fraudulent and false invoices, declarations, affidavits, letters, papers, and by means of false statements, written and verbal, and by means of a false and fraudulent practices and appliances, and made false statements in declarations without reasonable cause to believe the truth of such statements, and procured the making of such false statements as to matters material thereto without reasonable cause to believe the truth of such statements, to

wit, PROKOPI caused the mislabeling of customs forms relating to the fossilized remains of dinosaur fossils from Mongolia, allowing the fossils to enter into the United States.

(Title 18, United States Code, Section 542.)

COUNT THREE

The United States Attorney further charges:

5. Between September 2010 and March 2012, in the Southern District of New York and elsewhere, ERIC PROKOPI, the defendant, knowingly and willfully transported, transmitted, and transferred in interstate and foreign commerce goods, wares, merchandise, securities, and money, of the value of $5,000 and more, knowing the same to have been stolen, converted, and taken by fraud, to wit, PROKOPI received and shipped in interstate and foreign commerce dinosaur fossils which he knew to have been taken from the country of Mongolia in a manner contrary to law.

(Title 18, United States Code, Section 2314.)

FORFEITURE ALLEGATION

6. As a result of committing the offenses alleged in Counts One and Three of this Information, ERIC PROKOPI, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C), any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violations, including but not limited to a sum of United States currency representing the amount of proceeds obtained directly

or indirectly as a result of the violations and any dinosaur fossils, or interests therein, obtained directly or indirectly as a result of the violations.

7. As a result of committing the offense alleged in Count Two of this Information, ERIC PROKOPI, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B), any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violations, including but not limited to a sum of United States currency representing the amount of proceeds obtained directly or indirectly as a result of the violations and any dinosaur fossils, or interests therein, obtained directly or indirectly as a result of the violations.

Substitute Asset Provision

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981 and 982.)

PREET BHARARA
United States Attorney